



1641

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **DEX-0287**
Inventors: **Salceda et al.**
Serial No.: **09/989,890**
Filing Date: **November 21, 2001**
Examiner: **Not Yet Assigned**
Group Art Unit: **1641**
Title: **Compositions and Methods Relating to Breast Specific Genes and Proteins**

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I, Kathleen A. Tyrrell, Registration No. 32,257, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450

On this date: February 19, 2004

Kathleen A. Tyrrell, Registration No. 38,350

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Status Inquiry

Applicants filed their Response to Notice of Abandonment on December 10, 2003 via Express Mail.

Attached are copies of the Notice of Abandonment, Response to Notice of Abandonment and return post card date stamped by PTO evidencing receipt of same.



Attorney Docket No.:

DEX-0287

Inventors:

Salceda et al.

Serial No.:

09/989,890

Filing Date:

November 21, 2001

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We would appreciate your advice as to the status of this case
at your earliest convenience.

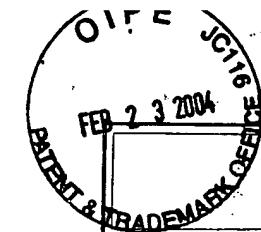
Respectfully submitted,

Kathleen A. Tyrrell
Registration No. 38,350

Date: February 19, 2004

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, NJ 08053

(856) 810-1515



TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
DEX-0287

In Re Application Of: Salceda et al.

Serial No.
09/989,890

Filing Date

November 21, 2001

Examiner
Not Yet Assigned

Group Art Unit
1641

Title: Compositions and Methods Relating to Breast Specific Genes and Proteins

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TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

- 1) Reply to Notice of Abandonment;
- 2) Statement of Kathleen A. Tyrrell;
- 3) Copies of Response to Missing Parts with accompanying documents sent for filing with the USPTO on April 23, 2002;

in the above identified application.

No additional fee is required.

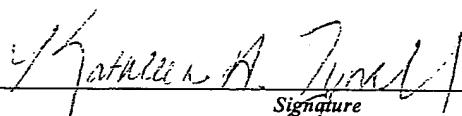
A check in the amount of _____ is attached.

The Director is hereby authorized to charge and credit Deposit Account No. 50-1619 as described below.

Charge the amount of _____

Credit any overpayment.

Charge any additional fee required.



Signature

Dated: December 10, 2003

Jane Massey Licata, Reg. No. 32,257
Kathleen A. Tyrrell, Reg. No. 38,350
Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

Telephone: (856) 810-1515
Facsimile: (856) 810-1454

"Express Mail" Label No. EL976562986US
Date of Deposit December 10, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents Post Office Box 1450, Alexandria, VA 22313-1450

By 
Typed Name: Kathleen A. Tyrrell, Reg. No. 38,350

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: DEX-0287

Inventors: Salceda et al.

Serial No.: 09/989,890

Filing Date: November 21, 2001

Examiner: Not yet assigned

Group Art Unit: 1641

Title: Compositions and Methods Relating to Breast Specific Genes and Proteins

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"Express Mail" Label No. EL976562986US
Date of Deposit - December 10, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By Kathleen A. Tyrrell
Typed Name: Kathleen A. Tyrrell, Reg. No. 38,350

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Reply to Notice of Abandonment

This is a reply to the Notice of Abandonment mailed November 19, 2003, a copy of which is provided herewith.

According to this Notice, the application was abandoned for failure of Applicants to respond to the Notice of Missing Parts dated April 5, 2002, a response to which was due June 5, 2002

Attorney Docket No.: DEX-0287
Inventors: Salceda et al.
Serial No.: 09/989,890
Filing Date: November 21, 2001
Page 2

It is respectfully pointed out, however, that a Response to the Notice of Missing Parts inclusive of the executed Declaration and Power of Attorney form was filed by Applicants on April 23, 2002. A copy of this Response is provided herewith.

~~As evidenced in this Response, the Response was mailed well within the set period of time for response and addressed correctly as set out in 37 CFR 1.1(a) and includes a certificate for each piece of correspondence stating the date of deposit.~~
Further, as evidenced by the Statement of Kathleen A. Tyrrell, the signor of this Certificate had reasonable basis to expect that the correspondence would be mailed since it was correctly addressed, had sufficient postage and was placed in the mailbox of a United States Post office. Thus, Applicants have met all requirements of 37 CFR 1.8(1) and it is requested that the Response to Missing Parts be considered as being timely filed.

Withdrawal of this Notice of Abandonment and reinstatement



Attorney Docket No.: DEX-0287
Inventors: Salceda et al.
Serial No.: 09/989,890
Filing Date: November 21, 2001
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of this patent application is therefore respectfully requested.

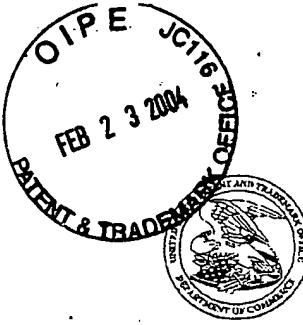
Respectfully submitted,

Kathleen A. Tyrrell
Registration No. 38,350

Date: December 10, 2003

LICATA & TYRRELL P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515



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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/989,890	11/21/2001	Susana Salceda	DEX-0287

CONFIRMATION NO. 1461

ABANDONMENT/TERMINATION
LETTER



OC000000011307501

Date Mailed: 11/19/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/05/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

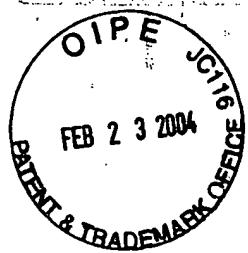
Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: DEX-0287

Inventors: Salceda et al.

Serial No.: 09/989,890

Filing Date: November 21, 2001

Examiner: Not Yet Assigned

Group Art Unit: 1641

Title: Compositions and Methods Relating to
Breast Specific Genes and Proteins

I, Kathleen A. Tyrrell, Registration No. 38,350, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the U.S. Patent and Trademark Office, Box 2327, Arlington, VA 22202.

On this date: April 23, 2002

Kathleen A. Tyrrell
Kathleen A. Tyrrell/Registration No. 38,350

BOX MISSING PARTS
U.S. Patent and Trademark Office
Box 2327
Arlington, VA 22202

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the "Notice to File Missing Parts of Application--Filing Date Granted" dated April 5, 2002 a response to which is due June 5, 2002, enclosed herewith for filing is the original Combined Declaration and Power of Attorney, executed by the inventor(s). An unexecuted copy of this document, attached to the above-identified specification, was filed by Express Mail No. EV051547039US on November 21, 2001.

() Other:

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() An Associate Power of Attorney is also enclosed.

() Small entity status of this application has been established on _____.

() A Verified Statement Claiming Small Entity Status Under 37 CFR 1.9 and 1.27 has been forwarded to the Refund Section, Accounting Division, Office of Finance on _____. A copy of this Verified Statement Claiming Small Entity Status form and the Request for Refund form is enclosed for your convenience.

() A credit card payment form in the amount of \$_____ is attached to cover the surcharge. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-1619.

(XX) Please charge the surcharge to my Deposit Account No. 50-1619 in the amount of \$130.00.

() A check in the amount of \$_____ is enclosed.

This sheet is attached in duplicate.

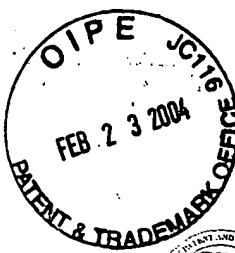
Respectfully submitted,

Kathleen A. Tyrrell
Kathleen A. Tyrrell
Registration No. 38,350

Date: April 23, 2002

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/989,890	11/21/2001	Susana Salceda	DEX-0287

CONFIRMATION NO. 1461

FORMALITIES LETTER



OC00000007802493

Date Mailed: 04/05/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: DEX-0287

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Inventors: Salceda et al.

MAR 03 2004

Serial No.: 09/989,890

Filing Date: November 21, 2001

Examiner: Not Yet Assigned

Group Art Unit: 1641

Title: Compositions and Methods Relating to
Breast Specific Genes and Proteins

"Express Mail" Label No. EL976562986US

Date of Deposit - December 10, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents; P.O. Box 1450, Alexandria, VA 22313-1450.

By *Kathleen A. Tyrrell*
Typed Name: Kathleen A. Tyrrell, Reg. No. 38,350

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22213-1450

Dear Sir:

Statement of Kathleen A. Tyrrell under CFR 37.1.8(2)

I, Kathleen A. Tyrrell, hereby certify that the Response to Missing Parts was timely mailed to the U.S. Patent and Trademark Office for filing on April 23, 2002. The Response was addressed correctly in accordance with 37 CFR 1.1, had sufficient postage and was deposited into a mailbox of the United States Postal Service. Accordingly, I had reasonable basis to expect that this



Attorney Docket No.: DEX-0287
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correspondence was mailed to the United State Patent and Trademark Office on April 23, 2002.

It is believed that this Response was lost by U.S. Postal Service, thereby resulting in the Notice of Abandonment.

I hereby declare that the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon, or any patent to which this verified statement is directed.

Kathleen A. Tyrrell
Kathleen A. Tyrrell

December 10, 2003
Date

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PATENT AND TRADEMARK OFFICE

Paper: General Transmittal (in duplicate);
Response to Notice of Abandonment; copy of Notice of
Abandonment; Statement of Kathleen A. Tyrrell and copy
of Response to Notice to File Missing Parts and
accompanying documents sent for filing with the USPTO on
April 23, 2003 via Express Mail EL976562986US

Applicant(s): Salceda et al.
Serial No.: 09/989, 890
Filed: November 21, 2001
Docket No.: DEX-0287
Date Sent: December 10, 2003

